

DECLARATION AND POWER OF ATTORNEY  
FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket N . SUN1P751/40338

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**METHODS AND APPARATUS FOR DYNAMICALLY SWITCHING BETWEEN POLLING AND INTERRUPT TO HANDLE NETWORK TRAFFIC** the specification of which,

(check one)

1. ☒ is attached hereto.
2. ☐ was filed on \_\_\_\_\_ as  
U.S. Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.
3. ☐ was filed on \_\_\_\_\_ as  
International PCT Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR § 1.56.

**Prior Foreign Application(s)**

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| (Application No.) | (Country) | (Filing Date) | Priority Benefits Claimed?<br>Yes ___ No ___ |
|-------------------|-----------|---------------|--|
| _____             | _____     | _____         | Yes ___ No ___                               |
| _____             | _____     | _____         | Yes ___ No ___                               |

**Provisional Application(s)**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

|                   |               |
|-------------------|---------------|
| (Application No.) | (Filing Date) |
| _____             | _____         |
| (Application No.) | (Filing Date) |
| _____             | _____         |

**Prior U.S. Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

|                   |               |   |
|-------------------|---------------|---|
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |
|-------------------|---------------|---|

|                   |               |   |
|-------------------|---------------|---|
| (Application No.) | (Filing Date) | (Status - patented, pending, abandoned) |
|-------------------|---------------|---|

**Power of Attorney**

And I hereby appoint the law firm of Beyer Weaver & Thomas, LLP and all practitioners who are associated with the Customer Number 022434 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Direct Correspondence To:**

**Customer Number: 022434**

**Direct Telephone Calls To:**

**Elise R. Helmbrunn at telephone number (510) 843-6200**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Typewritten Full Name of**

**Sole or First Inventor:** Sunay Tripathi

**Citizenship:** India

**Inventor's signature:** 

**Date of Signature:** 10/31/03

**Residence: (City)** Santa Clara

**(State/Country)** California

**Post Office Address:** 941 Live Oak Drive, Santa Clara, California 95051

**ASSIGNMENT RECORDATION COVER SHEET  
-PATENTS ONLY-**

To: Honorable Commissioner of Patents and Trademarks:

Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies)

a) **Sunay Tripathi**

2. Name and address of receiving party(ies):

a) Name: **Sun Microsystems, Inc.**  
Address: **4120 Network Circle,  
Santa Clara, California 95054**

3. Nature of conveyance

|                                     |                    |                          |                   |
|-------------------------------------|--------------------|--------------------------|-------------------|
| <input checked="" type="checkbox"/> | Assignment         | <input type="checkbox"/> | Merger            |
| <input type="checkbox"/>            | Security Agreement | <input type="checkbox"/> | Change of Name    |
| <input type="checkbox"/>            | Other _____        | <input type="checkbox"/> | License Agreement |

Execution Date: **October 31, 2003**

4. Application Number(s) or Patent Number(s):

The title of the (new) application is:

**METHODS AND APPARATUS FOR DYNAMICALLY SWITCHING BETWEEN  
POLLING AND INTERRUPT TO HANDLE NETWORK TRAFFIC**

5. Please send all correspondence concerning this (these) documents to:

**Beyer Weaver & Thomas, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778**

**Ph: (510) 843-6200  
Fax: (510) 843-6203  
Customer Number: 022434**


6. Total number of applications and patents involved: **1**

7. Total fee (37 CFR 3.41): **\$40.00**

☒ Enclosed  
☒ Any additional fees are authorized to be charged to Deposit Account No. 50-0388  
(Order No. SUN1P751)

8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: **October 31, 2003**

  
Elise R. Heilbrunn  
Registration No. 42,649

**ASSIGNMENT OF PATENT APPLICATION**

(Accompanying Application)

Whereas I/we the undersigned inventor(s) have invented certain new and useful improvements as set forth in the patent application entitled:

**METHODS AND APPARATUS FOR DYNAMICALLY SWITCHING BETWEEN POLLING AND INTERRUPT TO HANDLE NETWORK TRAFFIC**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I/We the undersigned inventor(s) hereby:

- 1) Sell(s), assign(s) and transfer(s) to Sun Microsystems, Inc., a Delaware Corporation, having a principal place of business at 4120 Network Circle, Santa Clara, CA 95054 (hereinafter referred to as "ASSIGNEE"), the entire right title and interest in any and all improvements and inventions disclosed in, application(s) based upon, and Patent(s) (including foreign patents) granted upon the information which is disclosed in the above referenced application.
- 2) Authorize and request the Commissioner of Patents to issue any and all Letters Patents resulting from said application or any division(s), continuation(s), substitutes(s) or reissue(s) thereof to the ASSIGNEE.
- 3) Agree to execute all papers and documents and, entirely at the ASSIGNEE's expense, perform any acts which are reasonably necessary in connection with the prosecution of said application, as well as any derivative applications thereof, foreign applications based thereon, and/or the enforcement of patents resulting from such applications.
- 4) Agree that the terms, covenants and conditions of this assignment shall inure to the benefit of the Assignee, its successors, assigns and other legal representative, and shall be binding upon the inventor(s), as well as the inventor's heirs, legal representatives and assigns.
- 5) Warrant and represent that I/we have not entered, and will not enter into any assignment, contract, or understanding that conflicts with this assignment.

Signed on the date(s) indicated beside my (our) signature(s).

1)

Signature:

Typed Name:

  
Sunay Tripathi

Date:

10/31/03